

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: FRANK FRANZO and : CHAPTER 13
LINDA SUSAN FRANZO :
Debtor(s) :
: CHARLES J. DEHART, III :
STANDING CHAPTER 13 TRUSTEE :
Movant :
: vs. :
: FRANK FRANZO and :
LINDA SUSAN FRANZO :
Respondent(s) : CASE NO. 5-20-bk-03239

TRUSTEE'S OBJECTION TO THIRD AMENDED CHAPTER 13 PLAN

AND NOW, this 26th day of March, 2021, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon the Means Test calculation and specifically disputes the following amounts:

a. Specialized Loan Servicing – Line 33d – creditor is not listed on Schedule D.

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtor has excess non-exempt equity in the following:

a. Residential real estate – 279 Flour Lane, Langhorne, PA
b. \$20,000.00 lien

3. Trustee avers that debtor(s)' plan is not feasible and cannot be administered due to the lack of the following:

a. Last paystub dated March 31, 2021 and W2 for 2020.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Agatha R. McHale
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 26th day of March, 2021, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Roger Mattes, Jr., Esquire
324 North Washington Avenue
Scranton, PA 18503

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee2